

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JARED KEMPER,

Plaintiff,

v.

AAA BROTHERS, LLC, et al.,

Defendants.

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Case No. 4:15-CV-1640 NAB

MEMORANDUM AND ORDER

This matter is before the Court on defendants AAA Brothers, LLC and Ion Rusu's Motion to Consolidate for Discovery Purposes Only. [Doc. 22.] The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1). In their motion, Defendants seek to consolidate the current action with another recently filed action *Hulvey v. AAA Brothers, LLC, et al.*, 4:16-CV-677 RLW. Defendants allege that these actions involve the same car accident on November 13, 2014 against the same defendants. Defendants assert that consolidation will save judicial resources and eliminate contradictory orders. Defendants propose using the same deadlines currently in place in this action. The plaintiff in the *Hulvey* matter filed a response in opposition to the motion to consolidate stating that he would be prejudiced by the use of the deadlines set in the case management order in this action, because the parties in the *Hulvey* matter do not yet have a scheduling order. Jared Kemper, the plaintiff in this action, did not file a response and the time to do so has now passed.

Based on the foregoing, the Court will deny consolidation of these matters for discovery purposes. Although consolidation may benefit defendants, no other party will benefit from

consolidation of this matter. Discovery in this action will close in less than three months and this action has a trial date set for March 2017. The plaintiffs in the *Hulvey* matter would be greatly prejudiced by being subjected to case management deadlines in a case where discovery is close to conclusion. The *Hulvey* case was just filed last month. A Rule 16 conference has not been set and a case management order has not been entered in the *Hulvey* matter.

Second, consolidation would likely expend judicial resources rather than conserve them. It is highly unlikely that the plaintiff in the *Hulvey* matter would be able to complete discovery without an extension of the current deadlines. Therefore, the resolution of this case would be delayed. The interests of defendants in consolidation of these cases does not outweigh the prejudice to the *Hulvey* case plaintiff and the expenditure of judicial resources.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Consolidate for Discovery Purposes Only is **DENIED**. [Doc. 22.]

Dated this 22nd day of June, 2016.

/s/ Nannette A. Baker
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE